**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW R. PERRONG
1657 THE FAIRWAY #131
JENKINTOWN, PA 19046
 	
   Plaintiff
 	
vs.
 	
CMI MARKETING RESEARCH, INC.
10712 COUNTY LINE ROAD, UNITS 6 & 7
HUDSON, FL 34667
 	
and
 	
CAROL MCMAHON
AKA CAROL O'NEILL
135 CASE RD.
CUTCHOGUE, NY 11935
 	
   Defendants.
	Case No. 2:22-cv-03733-JFM
	
	JURY TRIAL DEMANDED

**DECLARATION OF ANDREW R. PERRONG
IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

1. My name is Andrew R. Perrong. I am over 18 years old. I can testify competently to the undersigned statements.

2. This declaration is based on my personal knowledge.

3. My telephone number 215-322-XXXX is on the National Do-Not-Call Registry and Pennsylvania Do-Not-Call Registry and has been since 2018.

4. My telephone number 215-947-XXXX is on the National Do-Not-Call Registry and Pennsylvania Do-Not-Call Registry and has been since 2005.

5. I am the user of 215-322-XXXX and 215-947-XXXX.

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6.   I am the owner of 215-322-XXXX and 215-947-XXXX.

7.   I pay the bill for 215-322-XXXX and 215-947-XXXX.

8.   I am charged for the calls placed to 215-322-XXXX and 215-947-XXXX.

9.   I never provided my consent to Defendants to make calls to the 215-322-XXXX or 215-947-XXXX numbers.

10.   The numbers are used for personal, household purposes.

11.   As a consumer protection advocate, I have filed more than fifty lawsuits alleging violations of the Telephone Consumer Protection Act.

12.   I am also a law student and in my final year of law school.

13.   I have extensive technical experience, including in the field of telephony.

14.   Specifically, I have deployed and maintained telephone systems for over ten years. These systems include both conventional and Voice over IP (VoIP), and include Nortel, Meridian, Mitel, NEC, Panasonic, Merlin, and Asterisk systems.

15.   I have by far the most extensive experience working on Asterisk systems, having worked on them for over eight years and deployed and serviced them more than any other.

16.   Asterisk is a flexible framework for building telecommunications applications, including inbound and outbound call routing, programming, and completion. Its functionality can be described similarly to the function that the Apple iOS operating system has for an iPhone, running and coordinating all the telephone's functionality and control.

17.   I am familiar with the technical aspects of Asterisk, including its internal voicemail system, Comedian Mail.

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18.   I am also familiar with the internal voice prompts used within the Asterisk

system, including Comedian Mail, which are all voiced by a female voice actor named Allison

Smith, who proclaims herself the "voice of Asterisk."

19.   Asterisk is the dominant communications framework for VoIP telephone systems

today and has an estimated 85% or higher market share. Most Fortune 500 companies use

Asterisk to some degree in their communications platforms.

20.   Asterisk is also the underlying framework for most systems that meet the statutory

definition of an ATDS as set forth by the Supreme Court in *Facebook* and the Third Circuit in

Panzarella.

21.   Asterisk can be easily and readily programmed to dial numbers randomly or

sequentially either directly or from a list, and can also be easily and readily programmed to send

calls using prerecorded or artificial voices.

22.   Asterisk is the underlying framework for ViciDial, a free autodialer software that

is used by many call centers, among other autodialer softwares.

23.   Without examining a specific phone system, it is impossible to know all the

systems that use Asterisk as an ATDS or the specific code used to enable this built-in

functionality. The issue is further complicated by the fact that businesses will often write

custom code and software based on Asterisk to meet their exact needs.

24.   To be clear, I do nothing to precipitate the illegal calls which are placed to me. I

do not want these communications, but they continue to be placed to me. They are highly

annoying and disruptive, in addition to my being charged for them.

25.   I understand that this lawsuit alleges that the Defendants violated various portions

of the Telephone Consumer Protection Act and Pennsylvania Telemarketer Registration Act by

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placing calls to my telephone number without obtaining proper consent or following legal requirements.

26.   I have never proactively created or found TCPA claims nor entrapped businesses. I do not welcome nor invite these illegal calls and have taken measures for them to stop, including by placing my number on the Do-Not-Call Registry and holding those who call me accountable for their actions.

27.   I was harmed by the Defendants' calls. I was deprived of legitimate use of my telephone, bandwidth, power, and storage space and my privacy was improperly invaded. Additionally, my statutory rights as recognized by the TCPA were violated. Illegal calls are frustrating, obnoxious, and annoying. They are even more so after they continue, despite you wanting them to stop, and being unable to stop them. They are a nuisance and disturbed my solitude and wasted my time.

28.   My number is on the Do-Not-Call Registry, and I did not provide any consent for anyone to send these calls to me.

29.   I do not and have never submitted my telephone number to any survey, sweepstakes, loyalty program, sign up, or form for the purpose of bringing lawsuits, including under the TCPA, nor ever directed or encouraged anyone to do the same.

30.   I do not maintain any telephone numbers for the purpose of bringing lawsuits, including under the TCPA.

31.   I do not and have never welcomed nor wanted illegal calls and do nothing to receive or deserve them. My injury was done completely at the hands of Defendants, who took it upon themselves to send me multiple calls in violation of the TCPA.

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32.   I brought this case not for personal motives or financial gain, but as a bulwark for the rights of consumers against illegal telephone conduct. I was not paid by anyone to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

                                                    Executed this 13th day of March, 2023

                                                    Andrew R. Perrong